

DELEGATION OF AUTHORITY

DATE: 10-13-18

SOLID WASTE DISPOSAL ACT (SWDA)

8-25 Administrative Enforcement: (Subtitle I)

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 8-25 issued by EPA Headquarters on February 26, 2010.

B. Authority. Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:

- (1) proffer field citations;
- (2) take action under Section 9012 of the SWDA;
- (3) issue notices to States;
- (4) issue initial administrative orders under Section 9003(h) of the SWDA;
- (5) issue administrative complaints;
- (6) sign consent agreements, including expedited settlement agreements, memorializing settlements between the Agency and respondents prior to filing an administrative complaint; and
- (7) take other enforcement action authorized under Subtitle I of the SWDA.

2. TO WHOM DELEGATED.

- A. The authority listed in 1.B.(4) is delegated to the Director, Office of Site Remediation and Restoration (OSRR).
- B. The authority listed in 1.B.(5) is delegated to the Director, Office of Site Remediation and Restoration (OSRR), and through the Director, Office of Environmental Stewardship (OES), to the Manager, Office of Legal Enforcement (OES).

- C. The authorities listed in 1.B.(2), 1.B.(3), and 1.B.(7) are delegated through the Director, OSRR, to the Manager, Site Remediation and Restoration II Branch, and the Manager, RCRA Waste Management and Underground Storage Tank Section.
- D. The authority listed in 1.B.(6) is delegated through the Director, OES, to the Manager, Office of Legal Enforcement (OES).
- E. The authority listed in 1.B.(1) is delegated through the Director, OSRR, to: the Manager, RCRA Waste Management and Underground Storage Tank Section, and Enforcement Officers in the RCRA Waste Management and Underground Storage Tank Section who hold credentials issued by EPA.

3. REDELEGATION AUTHORITY.

- A. The authorities delegated in 1.B.(1-4) and (6-7) may not be delegated further.
- B. The authorities delegated in 1.B.(5) may be delegated to a Section Chief, or equivalent, and no further.
- C. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority.

4. LIMITATIONS.

- A. The following limitations apply to authorities 1.B.(1-7):
 - (1) This authority may only be exercised prior to the deadline for filing an answer to an administrative complaint.
 - (2) Before the Regional Administrator, or delegate, issues complaints, the Regional Administrator, or designee, must consult with the Regional Counsel, or designee. This limitation does not apply to the authority, 1.B.(1), proffering of field citations.
 - (3) Before the Regional Administrator, or delegate, exercises this authority at a Federal Facility, the

Regional Administrator, or designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee. This limitation does not apply to authority 1.B.(1), proffering of field citations.

- B. Prior to exercising the authorities in 1.B.(2) and 1.B.(7), the Manager, Site Remediation and Restoration II Branch, and the Manager, RCRA Waste Management and Underground Storage Tank Section, shall consult with the Manager, Office of Legal Enforcement (OES).
 - C. Prior to exercising the authorities in 1.B.(4) and 1.B.(5), the Director, OSRR, or his/her designee, shall consult with the Manager, Office of Legal Enforcement (OES).
 - D. This authority does not include the authorities addressed in EPA delegations 8-26 or 8-27.
5. COORDINATION. The Director, OES, or his/her designee, is responsible for any necessary consultation with Office of Regional Counsel, or his/her designee.
6. ADDITIONAL REFERENCES.
- A. Section 9005, 9006, and 9003(h) of the SWDA;
 - B. EPA Policy Memorandum on Underground Storage Tanks Delivery Prohibition, from Pamela J. Mazakas, Acting Director, Office of Civil Enforcement, dated June 25, 2012; and
 - C. Guidance for Federal Field Citation Enforcement (OSWER Directive Number: 9610.16).
7. SUPERSESSSION. Region I Delegation 8-25, dated August 15, 1996.


Alexandra Dapolito Dunn
Regional Administrator

6-13-12